IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 17828 of 2004

Between:

Shaik Asif Ahmed, S/o. Adul Salam,
H.No. 9/667, Georgepet, Kapati Palam, Nellore - 524 001.

... PETITIONER

AND

1 The District Collector, Nellore, Nellore town,
Nellore District-524 001.
2 the Revenue Divisional Officer, Nellore Division, Nellore Dist-524 001.
3 The Mandal Revenue Officer, Railway Feeders Raoad,
Nellore Mandal, Nellore District -524 001.
4 Smt. Ch. Nirmala Kumari @ M.A. Saleha Begu, W/o. M.A. Fafeeque,
R/o. H.No. 26-1-149, Bhaktha Vatsala Nagar, Nellor eTown, Nellore District.
5 The Superintending Engineer, R & B, Dargamitta, Nellore - 524 003.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action 3rd Respondent in issuing the Family Member Certificate in favour of 4th respondent overlooking the petitioner who is the legally wedded husband of deceased Ch. Vijaya Laxmi as illegal, arbitrary, unjust, violative of principles of natural justice and also violative of Articles 14 and 16 of the Constitution of India and set-aside the same and consequently direct the 3rd respondent to issue Family Member Certificate in favour of petitioner of his deceased wife Late Smt. Vijaya Laxmi.

Counsel for the Petitioner: MR.S.KHADER MOHIDDIN

Counsel for the Respondents 1 to 3 and 5: GP FOR REVENUE

The Court made the following:

ORDER:

Heard the learned counsel for petitioner and also the learned Government Pleader for the respondents.

2. Petitioner claims to have married one Ch. Vijaya Laxmi – sister of fourth respondent as per Christian customs who unfortunately passed away on 26-05-2004. Based upon the voter entry forms prepared by the enumerator showing him as husband of Ch. Vijaya Laxmi, petitioner approached third respondent for issuance of 'Family Member Certificate' and filed the present writ petition contending that respondents have so far not issued the said certificate for enabling the petitioner to claim service benefits and fifth respondent is likely to release family pension in favour of the fourth respondent overlooking the claim of the petitioner.

3. On the earlier occasion, when the matter was taken up for hearing, learned counsel for the petitioner took time for citing the provision of law under which family certificate can be issued. But, today none represents the petitioner.

4. In absence of any provision, which confers jurisdiction of third respondent to issue the said certificate, it is always open for the petitioner to move the competent Civil Court for appropriate relief claiming succession of the estate of Ch. Vijaya Laxmi.

The writ petition is accordingly disposed of. No costs.

A. **GOPAL REDDY, J**

November 8, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Collector, Nellore, Nellore town,
Nellore District-524 001.
2 the Revenue Divisional Officer, Nellore Division, Nellore Dist-524 001.
3 The Mandal Revenue Officer, Railway Feeders Raoad,
Nellore Mandal, Nellore District -524 001.
4 The Superintending Engineer, R & B, Dargamitta, Nellore - 524 003.

5 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

6 Two C.D. Copies.